



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 24, 1995

Mr. James R. Raup
McGinnis, Lochridge & Kilgore, L.L.P.
1300 Capitol Center
919 Congress Avenue
Austin, Texas 78701

OR95-1133

Dear Mr. Raup:

On behalf of the Round Rock Independent School District (the "school district"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36122.

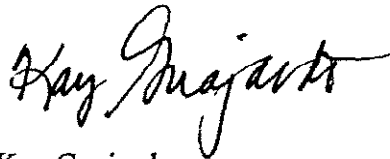
The school district received a request for a certain employee's personnel file as well as all grievances filed against that employee. You say the school district will release all of the requested information to the requestor with the exception of one document that concerns a grievance filed against the employee. The district seeks to withhold this grievance from required public disclosure pursuant to section 552.101 and 552.102 of the Government Code.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, including information made confidential by judicial decision. This exception applies to information made confidential by the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under section 552.101 in conjunction with the common-law right to privacy if the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and if the information is of no legitimate concern to the public. *See id.* Information that identifies a victim of mental abuse in the workplace is highly intimate and embarrassing information. *See id.*

We believe the grievance at issue contains private information about the person who filed the grievance. Furthermore, we do not believe the public has a legitimate interest in knowing the name of the grievant. We therefore conclude that the school district must withhold from required public disclosure the grievant's name and any other information that would identify the grievant. *See id.*, Gov't Code § 552.101; *cf. Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied). We believe the public has a legitimate interest in the remaining information on the grievance. Consequently, the school district must release to the requestor the remaining information on the grievance.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 36122

Enclosures: Submitted documents

cc: Ms. Kimberly Metz
13236 Briar Hollow
Austin, Texas 78729
(w/o enclosures)